

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RICKY LEE UMPHRIES,

Plaintiff,

v.

SMITH COUNTY JAIL, ET AL.,

Defendants.

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Case No. 6:19-CV-614-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Ricky Lee Umphries, an inmate proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On February 6, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 12), recommending that the lawsuit be dismissed because Plaintiff's complaint repeats his pending claims in another civil action. *Id.* at 2. Plaintiff filed objections on February 14, 2020. Docket No. 13.

Plaintiff does not object to any specific portion of the Magistrate Judge's report and recommendation in his objections. Instead, Plaintiff states he sent a "signed statement" and "other evidence" about drugs to his "dad's house." *Id.* at 1. These objections do not address the Magistrate Judge's conclusion that Plaintiff's case should be dismissed because he is bringing claims that are already pending in a separate civil action. *See* Docket No. 12 at 2; *Umphries v. Smith Cty.*, civil action no. 6:19-cv-592. Plaintiff's objections therefore fail.


Having made a *de novo* review of the objections raised by Plaintiff to the Magistrate Judge's Report, the Court is of the opinion that the findings and conclusions of the Magistrate

Judge are correct and Plaintiff's objections are without merit. The Court therefore adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Report and Recommendation (Docket No. 12) be **ADOPTED**. It is further

ORDERED that that the above-styled civil action is **DISMISSED WITH PREJUDICE**. The dismissal of this lawsuit shall not prevent the Plaintiff from pursuing his claims in his other lawsuit. All motions not previously ruled upon are **DENIED**.

So **ORDERED** and **SIGNED** this **19th** day of **February, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE